

U.S.A. vs

Macario Leyva-Cano

08mj0929

The Court finds excusable delay, under the section indicated on check

commenced on 3/26/08 and ended on 3/28/08 xm

and ended on _____

- 3161(h)
 (1) (A) Exam or hrg for mental or physical incapacity
 (1) (B) NARA examination (28:2902)
 (1) (D) State or Federal trials or other charges pending
 (1) (E) Interlocutory appeals
 (1) (F) Pretrial motions (from filg to hrg) - then prompt trial
 (1) (G) Transfers from other district (per FPC/DP, 21 v. 10)
 (1) (J) Proceedings under advisement not to exceed thirty days
 Misc proc: Parole or prob rev, deportation, extradition
 (1) (H) Transportation from another district or to/from examination or hospitalization in ten days or less
 (1) (I) Consideration by Court of proposed plea agreement
 (2) Prosecution deferred by mutual agreement
 X (3) (A) (B) Unavailability of defendant or essential witness
 (4) Period of mental or physical incompetence of defendant to stand trial
 (5) Period of NARA commitment or treatment
 (6) Superseding indictment and/or new charges
 (7) Defendant awaiting trial of co-defendant when no co-defendant has been granted
 (8) (A) (B) Continuances granted per (h) (3) - use "T" along with one of the reasons below are given in support of continuance
 (8) (B) (i) 1) Failure to grant a continuance in the proceeding would result in a miscarriage of justice and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.
 (Continuance - miscarriage of justice)
 2) Failure to grant a continuance of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.
 (Continuance - tendered a guilty plea)
 (8) (B) (ii) 2) Case unusual or complex
 (8) (B) (iii) 3) Indictment following arrest cannot be filed in thirty days
 (8) (B) (iv) 4) Continuance granted in order to obtain or substitute counsel, or give reasonable time to prepare
 (Continuance re counsel)
 3161(i) Time up to withdrawal of guilty plea
 3161(b) Grand jury indictment time extended thirty (30) more days

Date 3-26-08

WMe

Wanda M. ...

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